

# CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

## INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Supervision Parameters

Sections Affected: Title 16, Division 39, California Code of Regulations, Section 4181

### SPECIFIC PURPOSE OF THE REGULATIONS:

The specific purpose of the proposed regulations is to amend California Code of Regulations section 4181(a) to clarify the minimum supervision requirements for occupational therapists, and section 4181(e) to require supervising occupational therapists determine if all occupational therapy practitioners are authorized to practice prior to allowing them to provide services.

### FACTUAL BASIS/NECESSITY:

Current law outlines the appropriate supervision of an occupational therapy assistant and limited permit holders.

The proposed language amends 4181 to clarify the appropriate supervision of an occupational therapy assistant. Currently, 4181(a)(1) requires weekly review and inspection of all aspects of the occupational therapy services by the supervising occupational therapist. The proposed language would clarify that the weekly review could be accomplished onsite or via telecommunication. Currently, 4181(a)(2) requires that documentation of the supervision process include either documentation of client care provided by the supervision occupational therapists, or the supervising occupational therapist's co-signature of the occupational therapy assistant's care. However, the language is poorly structured and not easily understood by practitioners or employers. The revised language clearly states that verification of the supervision process shall include either (1) documentation of *direct client care by the supervising occupational therapist*, or (2) co-signature of the occupational therapy assistant's documentation. Currently, 4181(a)(3) requires that the supervising occupational therapist provide period onsite supervision of the assigned client care. This section is being split in to two subsections for simplification. The word "assigned" is being removed in order to clarify that the supervising occupational therapist is not required to observe the care rendered to each and every patient.

The proposed language also amends 4181(e) to require that supervising occupational therapists verify that *all* occupational therapy practitioners under their supervision hold a valid license, certificate or permit prior to allowing them to provide services. This section currently only requires supervising occupational therapists to determine if occupational therapy assistants and limited permit holders are authorized to practice. There is no requirement that supervising occupational therapists verify that the occupational therapists under their supervision possess a valid license. Requiring that

the supervising occupational therapists verify that all practitioners under their supervision are authorized by the Board will reduce the likeliness of individuals practicing without a valid license or practicing after their license has expired.

**UNDERLYING DATA:**

None.

**BUSINESS IMPACT:**

This regulation will not have a significant adverse economic impact on business. The proposed regulations will only affect licensees, certificate holders or unlicensed persons.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT:**

This regulation does not mandate the use of specific technologies or equipment.

**CONSIDERATION OF ALTERNATIVES:**

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.